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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,104	06/26/2003	Cezary Marcjan	1026-094/MMM 303082.01	9236
27195	7590	09/11/2006	EXAMINER BAYERL, RAYMOND J	
AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			ART UNIT 2173	PAPER NUMBER

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/609,104

Applicant(s)

MARCJAN ET AL.

Examiner

Raymond J. Bayerl

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2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 22 is/are pending in the application.
- 4a) Of the above claim(s) 19 - 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 10 – 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 10 has been amended to recite “Software executing on a computer system..., comprising software to...”, which is nothing more than a computer program *per se*. This does not qualify as “machine”, “process”, “manufacture” or “composition of matter”, since it is only the “software” that is the invention, without its actually executing to produce “a computer object access control graphical user interface”.

3. Claims 1 - 2, 5, 7 - 11, 14, 16 - 18 are rejected under 35 USC 103(a) as being unpatentable over Cohen-Levy et al. (“Cohen-Levy”; US #5,423,034) in view of Nelson (“Nelson”; US #2004/0122849 A1).

As per the “computer object access control graphical user interface” in independent claim 1, Cohen-Levy teaches NETWORK FILE MANAGEMENT, where Each file and level in a directory structure has network access privileges, as administered by a document locator module (Abstract). Applicant’s attention is particularly drawn to the “graphical user interface” shown in Cohen-Levy’s fig 5, where “one or more access control fields” appear in the form of the Window display 82, which lists, in scrolling window format, users recognized by the network (col 18, line 33 - col 19, line 21). Cohen-Levy is thereby capable of “controlling access to a computer object” through the use of “computer spaces”, an example of which is “corresponding to access to the computer object for the one or more computer users”. Through Cohen-Levy’s

user list for the “object” entitled network cabinet (“a name field”), access privileges may be assigned on a per-“object” basis.

While the users in Cohen-Levy are most certainly distributed over a plurality of site locations in the network arrangement shown, Cohen-Levy’s use of “computer spaces for the computer object” does not extend **explicitly** to include that “at least one of the computer spaces is a computer where one or more users is located during access to the computer object”.

However, in the ASSIGNMENT OF DOCUMENTS TO A USER DOMAIN in Nelson, a system defined attribute for a domain is included as an attribute of the document, where a view is automatically selected based on the user’s domain to limit access to items having the same domain as the user’s domain (Abstract). A situation envisioned by Nelson is one where multiple organizations might share a content management system, with each organization assigned to a domain (paragraph [0034]). For one of the organizations, “a computer where one or more users is located” is designated by the separate domain-based attribute attached to an “object”. Even more particularly in Nelson, A user can create an item for which access is limited only to users associated with certain domains, and The user can specify the item type, where an item type can include attributes such as a domain ID (paragraphs [0042], [0043]). When the Nelson user specifies particular domains, Nelson shows a computer space that “is a computer where one or more users is located”, since different organizations inherently must have different geographic locations for the domains containing their computing devices.

Thus, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to extend the "graphical user interface" of Cohen-Levy, where "controlling access to a computer object" is achieved for a computer space relating to "access to the computer object for the one or more computer users", by including an additional assignment of access limits through the space of domains in Nelson, with the devices for each such domain corresponding to user locations, so that the Cohen-Levy user has a more comprehensive control over just what limitations an "object" should have placed upon it. Motivation rests at least in Cohen-Levy, where to specify an entire domain listed for an organization's computers (at the organization's operating location) as per Nelson will obviate the need to find entire lists of "computer users" that need to be designated.

The networked environment of Cohen-Levy is such that "at least one of the computer spaces corresponding to access to the object for one or more computer users is provided by one of plural computer communication formats" (claim 2), since a particular kind of communication format will have to be used in the network.

As per claim 5, where "the plural selectable computer spaces for the computer object are listed in a ranked sequence", Cohen-Levy teaches an alphabetic listing of users in fig 5. This is readily extensible to the plural-space arrangement suggested by providing domain specification as per Nelson.

Claim 7's "computer spaces" that "are listed together in a single access control field" would be found in the Cohen-Levy interface, whose "single" "field" (i.e., the interactive region) when enhanced as per Nelson would also show a location-based

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space for organizations with domains. The diverse nature of users and domains will also suggest that within the overall “interface”, the “spaces...are listed in separate respective access control fields”, as in claim 8. Given alternatives between domains and users in the combined system, the result, when modifying the Cohen-Levy list to show Nelson's domains, will be “a flat representation without hierarchy of plural selectable computer spaces corresponding to computer locations” (claim 9), since the assignment of domains in Nelson is a virtual one, without necessary reference to “a hierarchical file structure”.

Claims 10 - 11, 14, 16 - 18 are “software” claims that parallel respective “user interface” claims 1 - 2, 5, 7 - 9, and rejection is based upon a line of reasoning similar to that presented above.

4. Claims 3 - 4, 6, 12 - 13, 15 are rejected under 35 USC 103(a) as being unpatentable over Cohen-Levy in view of Nelson and Cohen et al. (“Cohen”; US #6,507,845 B1).

While “the computer spaces” in a combined Cohen-Levy/Nelson “access control” arrangement will have to use “one of plural computer communication formats” in the networked environments of both references, this combination does not **explicitly** show claim 3's provision by “email”, nor claim 4's by “instant messaging”.

However, these modes by which “computer spaces” can be implemented were extremely well-known in the art at the time of applicant's invention, an example being Cohen, in SUPPORTING IMPROVED AWARENESS OF AND COLLABORATION AMONG USERS, where a chat window (“instant messaging”) or email (“email”) are

employed in the overall collaborative effort between a number of users that have distribution at least as “users” in a computer space.

It would also have been obvious to the person having ordinary skill in the art that these standard “communication formats” as in Cohen be used in the Cohen-Levy/Nelson combination, since an analogous function is accomplished in Cohen to the one in both Cohen-Levy and Nelson: the provision of object “access” across a number of users. Motivation exists at least in Cohen-Levy, whose networked environment is ideally suited for both well-known “formats”, these being known for their ability to help in a collaborative effort.

As per claim 6, while a plain alphabetic “ranked sequence” is shown by Cohen-Levy’s selection screen for users, this does not **explicitly** teach that a “sequence” should be “ranked according to associations to the computer object determined automatically from user computer interactions”.

However, in the computer space established in Cohen, an indication of current or most recent activity as retrieved from a history file (col 6, lines 35 - 45; fig 10) is used, to produce a list as in box 212 that shows various interactions by People in reverse chronological order. The computer space that contains those users has a “ranked sequence” based upon prior activity within the system.

It would finally have been obvious to the person having ordinary skill in the art to use a “ranked sequence” as per Cohen for “plural selectable computer spaces” as per Cohen-Levy/Nelson, so that the more relevant portion of the “spaces” appears at a more prominent position. Motivation rests at least in Cohen-Levy, where the “object”’s

access privileges are ideally seen in a way that allows the user of the “user interface” to have a ready grasp of just what the space is composed from, and history-ordering assures that more recent users are placed first in a selection menu and not potentially overlooked.

Claims 12 – 13, 15 are “software” claims that parallel respective “user interface” claims 3 – 4, 6, and rejection is based upon a line of reasoning similar to that presented above.

5. Applicant's arguments filed 24 April 2006 have been fully considered but they are not persuasive.

In arguing that Nelson does not teach “access control fields that control access to computer object from computer spaces where at least one of the computer spaces is a computer where one or more users is located during access”, applicant argues at page 7 that the domains used in Nelson are “merely a means for providing group access control to files or directories”, and “does not provide any information indicating where the user is located when they are attempting to access the file or directory”. However, incorporated into a partitioning as to Nelson's domains is some manner of user location-indicating capability. Even if “where one or more users is located” means nothing more than domain membership, the user, by operating in a domain, is “located” within that incorporation in Nelson, and a “computer space” with such subdividing capability is provided. Different organizations, with different domains, have different geographical locations. Indeed, the domain-specifying expression **URL** means, simply, Uniform

Resource **Locator**. The claim is broad enough to be read upon by any addressing scheme of this kind, that will assign a "location".

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

During an update search, the Examiner noted the additional US Patent documents cited on the attached form PTO-892, which relate to providing access schemes within "spaces" for data objects.

7. **THIS ACTION IS MADE FINAL.**

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

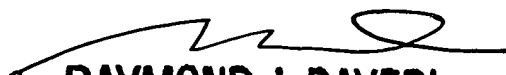
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:30 AM to 4:30 PM ET.

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9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at 571-272-4063. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

6 September 2006